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U.S. Department of Energy

Attn: Comments

Rocky Flats Project Office

12101 Airport Way, Unit A

Broomfield, CO 80021-2583

ADMIN RECORD

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September 12, 2006

Via Email and U.S. Mail

U.S. Department of Energy
Attn: Comments
Rocky Flats Project Office
12101 Airport Way, Unit A
Broomfield, CO 80021-2583

Re: Comments on the Rocky Flats Environmental Technology Site Proposed Plan

To Whom It May Concern:

I am writing on behalf of the Woman Creek Reservoir Authority (the "Authority"), a political subdivision and public corporation of the State of Colorado created under C.R.S. § 29-1-204.2. The Authority is the owner and operator of Woman Creek Reservoir generally located at the intersection of Woman Creek and Indiana Street, immediately adjacent to the historical boundaries of what has been formerly known as the Rocky Flats Plant Buffer Zone. I am writing to provide comments on the "Rocky Flats Environmental Technology Site Proposed Plan" on behalf of the Authority.

By way of background, Woman Creek Reservoir was completed in 1996 as part of the Standley Lake Protection Project, a federally funded project designed to provide an extra layer of protection to the downstream municipal drinking water supplies in Standley Lake from activities at the Rocky Flats Plant site. Woman Creek Reservoir operations allow for the diversion of all Woman Creek flows into the reservoir, and the subsequent pumping and release of any stored water to the Walnut Creek basin, near Great Western Reservoir. As required by the Rocky Flats Clean Up Agreement ("RFCA"), DOE is responsible for testing the quality of the water in Woman Creek at the Indiana Street Point of Compliance. This point of compliance is critical to Woman Creek Reservoir operations. To the extent an exceedance of certain water quality standards occurs at the Indiana Street Point of Compliance, DOE has agreed to take certain actions to address the issue. If no exceedance occurs, water is simply released from Woman Creek Reservoir to the Walnut Creek basin.

The Authority has reviewed the "Rocky Flats Environmental Technology Site Proposed Plan" and has the following comments:

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1. At the outset, the Authority wants specific assurances from DOE and the relevant regulators that a "No Action" determination for the "Peripheral Operable Unit" does not somehow preclude, or in any way prevent, DOE's ongoing obligations for operation and monitoring of the Indiana Street Point of Compliance in the future. "No Action" must not be interpreted to mean "no monitoring." DOE must continue to monitor water quality at the Indiana Street Point of Compliance indefinitely.

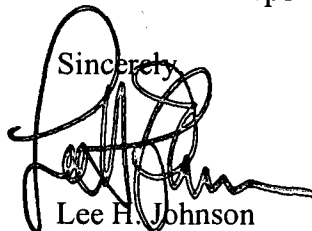
2. In addition to long term DOE monitoring at the Indiana Street Point of Compliance as contemplated under the current version of the RFCA, approval of a "No Action" determination must be conditioned upon appropriate institutional controls, including fencing, at the Indiana Street Point of Compliance.

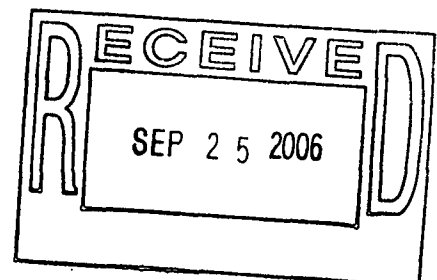
3. Approval of a "No Action" determination, as contemplated in the "Proposed Plan", must be directly conditioned on requiring DOE's long term monitoring of Woman Creek flows at the Indiana Street Point of Compliance. A "No Action" determination for the "Peripheral Operable Unit" is not appropriate absent a specific requirement that DOE operate and maintain a monitoring station at the Indiana Street Point of Compliance on a long term basis, and thereby confirm that there are no exceedances of the relevant water quality standards at said point of compliance. These long term DOE monitoring obligations must be a requirement set forth in the final Corrective Action Decision/Record of Decision.

4. In addition to Indiana Street Point of Compliance requirements, long term DOE monitoring obligations must include, at a minimum, annual sampling events at Pond C-2, regardless of whether releases have occurred from the pond in the past year. Any approval of a "No Action" determination must include such a requirement. Absent an annual sampling event at Pond C-2, a "No Action" determination is inappropriate. Any such long term DOE monitoring obligations must be a requirement set forth in the final Corrective Action Decision/Record of Decision.

5. The Authority joins in the comments submitted by the Cities of Broomfield, Northglenn and Westminster to the Proposed Plan.

Thank you for the opportunity to comment on the Proposed Plan.

Sincerely,

Lee H. Johnson



CARLSON, HAMMOND & PADDOCK, L.L.C.

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Copy: Shelley Stanley, Woman Creek Reservoir Authority Board
Ron Hellbusch, Woman Creek Reservoir Authority Board
Bud Hart, Woman Creek Reservoir Authority Board
Shirley Garcia, City and County of Broomfield
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David Allen, City of Northglenn
Jeanette Alberg, Area Representative, Senator Wayne Allard
David Hiller, State Issues Counsel, Senator Ken Salazar
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Rocky Flats Stewardship Council